

9 FAM APPENDIX F, 400 VISA SUBJECT FILES

(TL:VISA-474; 10-17-2002)

9 FAM 401 SETTING UP A CVIS FILE

(TL:VISA-474; 10-17-2002)

Each visa-issuing office shall maintain a working visa subject file, CVIS, containing guidance material relating to all aspects of the visa operations (telegrams, memoranda, etc.). A separate similar subject file must be maintained for classified materials. The subject files must conform to the instructions provided in 5 FAH-3, TAGS/Terms Handbook. All files should be arranged alphabetically by terms *as stated in 5 FAH-3*.

9 FAM 401.1 Divisions and Subdivisions

(TL:VISA-474; 10-17-2002)

- a. Posts should use file dividers to set apart subjects that require subdivisions, such as IMMIGRANT, INELIGIBILITY and NONIMMIGRANT.
- b. A breakdown of folders might consist of the following subject areas:
 - (1) IMMIGRANT, with secondary terms such as CONDITIONAL, SPECIAL, EMPLOYMENT-BASED FIRST PREFERENCE, etc.;
 - (2) INELIGIBILITY, with separate folders for the individual grounds, - (1), (2), (3), etc., - or generic grounds, - CRIMINAL, MEDICAL, SECURITY, etc.; and
 - (3) NONIMMIGRANT, with a breakdown of business, student, visitor, etc.

9 FAM 401.2 Secondary Terms

(TL:VISA-474; 10-17-2002)

Using more than one secondary term may be necessary to refine the

files further. As stated above, the dividers would be marked IMMIGRANT, INELIGIBILITY, and NONIMMIGRANT. The folders within those areas of the files would bear both the primary term and the secondary term or terms, making it easier to return guidance material folders to the files.

9 FAM 402 SETTING UP FILE FOLDERS

(TL:VISA-474; 10-17-2002)

The subject file should not have any empty folders. Posts should set up a folder only if *or* when guidance material in some form is received, for example, a guidance telegram or a Standard Operating Procedures memorandum written for the files by a supervising officer.

9 FAM 403 LIMITING SUBJECT FILE TO GUIDANCE MATERIALS

(TL:VISA-474; 10-17-2002)

The Department emphasizes that, while communications concerning individual cases will use the same primary and secondary terms, posts should file only communications containing guidance for general use in the CVIS subject file.

9 FAM 404 PRECEDENT MATERIALS

(TL:VISA-474; 10-17-2002)

Posts should keep precedent material in the appropriate folder in the subject file, clearly marked PRECEDENT on the top or the side of the top page. This would include, for example, a copy of an advisory opinion, which contains material not only germane to the particular case but also of precedential character with respect to an interpretation of a specific section of law or regulations. Although the original would properly be placed in the A-Z file, posts should ensure that a copy is also placed in the subject file, under the appropriate term.

9 FAM 405 RETENTION OF MATERIAL IN SUBJECT FILE

(TL:VISA-474; 10-17-2002)

The material in the general visa subject file should be retained for as long as it serves a useful purpose. Although circular telegrams technically expire 30 days from date of issuance, posts should retain such materials until they are superseded by Transmittal Letters incorporating the guidance material into 9 FAM. Posts may remove cancelled communications from their subject folders either at that time or during the next annual review of files material.

9 FAM 406 CHRONOLOGICAL FILES

(TL:VISA-474; 10-17-2002)

Visa sections should maintain their own chronological files, in addition to the chronological files kept in the post's Central Records Unit. For maximum utility, posts should mark on the visa section's chronological copies the Terms under which the subject file copies have been filed.

9 FAM 407 TREATIES AND AGREEMENTS

(TL:VISA-474; 10-17-2002)

Posts must retain copies of treaties and reciprocal agreements and all communications amending or interpreting them as long as the treaty or agreement is in effect.